

## ORDINANCE NO. 45-786

AN ORDINANCE AMENDING SECTION 20.08.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO MINIMUM LIABILITY INSURANCE STANDARDS FOR ALTERNATIVE CORRECTIONAL HOUSING FACILITIES, AND REPEALING THE ORIGINAL OF SAID SECTION.

IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 20.08.110 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Correctional placement residence – License –minimum standards.** (a) The facility must meet minimum standards that define operational practices and services provided before a license is granted, except that these standards shall not apply to day reporting facilities. These standards shall include:

(1) Insurance. General liability insurance will be carried on the licensed premises, naming the city as an additional insured. The amount of insurance coverage will be one million dollars. In addition, workers' compensation coverage will be maintained in amounts required by law.

(2) Local Zoning. The facility will be in compliance with all applicable zoning ordinances, or is attempting to comply with, or change such laws, codes, or zoning ordinances through legal means.

(3) Facility. The building will conform to applicable building, housing, sanitation and health codes, except as follows: Sleeping space with a minimum of twenty (20) unencumbered square feet per person will be provided. Telephone facilities will be maintained at each building for emergency access by

residents. Vermin, pest control and trash removal agreements will be available for review. The facility and surrounding area will remain clean and in good repair.

(4) Exclusion of Contraband. Reasonable and prudent efforts will be made to routinely search the facility and personal property to discourage introduction of contraband.

(5) Fire Prevention. Written policy and procedure will specify the facility's fire prevention regulations and practices to ensure the safety of staff, clients and visitors. These include, but are not limited to:

- A. An adequate fire protection system will be provided;
- B. A quarterly system of fire inspections and equipment testing will be established;
- C. An annual inspection by local fire officials will be conducted; and
- D. Fire protection equipment will be accessible in identified locations.

At a minimum, written emergency procedures will include instructions for the following:

- A. Immediate notification of the fire department;
- B. Alerting and/or evacuating occupants;
- C. Controlling or extinguishing the fire; and
- D. Evacuation routes/procedures.

New staff will be trained on the procedures prior to shift coverage and all staff will review them annually. Additionally, diagramed evacuation routes are to be posted in a conspicuous location on every occupied floor. Evacuation drills

will be conducted monthly during hours when most residents are present in the facility. Smoking policies will be posted and smoking areas clearly identified.

(6) Food Service. Food service provided at the facility will comply with all sanitation and health codes enacted by state or local authorities. At no time can meals be denied to residents as a disciplinary measure. The facility may require that residents pay for meals, if applicable, or that residents sign up for meals within a reasonable time.

(7) Interagency communication. The license holder will document communications with other components of the criminal justice system in an effort to further promote the public welfare and safety, especially those with the referring and/or supervising authority.

(8) Counseling. The license holder will provide proof of licensing by the Kansas State Department of Social and Rehabilitation Services Substance Abuse Treatment and Recovery (SATR) [formerly Alcohol and Drug Abuse Services (ADAS)], if the facility is providing substance abuse treatment.

(9) Accommodations. Each resident will be provided with a sleeping area that includes, at least a bed, mattress, pillow, supply of bed linen, chair and locked storage space for personal belongings.

(10) Linen Exchange. A written policy and procedure will be developed and followed for the issuance of clean, usable bedding, linen, and towels to new residents, including the provision for exchange or laundering on at least a weekly basis.

(11) Staffing. The staffing pattern of the facility will concentrate staff at the times when most residents are in the facility. The facility will provide a work schedule for all supervision and program staff.

(12) Facility Supervision. At least one paid or unpaid staff person who meets the criminal record requirements for employees will be available at the facility premises and responsive to the residents' needs twenty-four hours a day.

The facility will ensure reasonable and prudent standards of supervision (staff to client ratio) to ensure public safety. Standards for supervision will be based upon, but not limited to, the following factors:

- A. The physical layout of the facility including the number of buildings, exits, rooms, floors and common space in the facility;
- B. Use of an electronic monitoring system to monitor entry, egress, and internal movement within the facility;
- C. The number of employees available per shift; and
- D. The maximum number of residents the facility is licensed to house.

(13) Authority. Written policy will prohibit any resident from being in a position of control or authority over other residents.

(14) Absconders. A written procedure will be established, reviewed annually, and updated as necessary for the prevention, detection and pursuit of absconders. In addition to providing services to the resident, the facility also has a responsibility for the safety of the community. The procedure should provide for prompt reporting of the situation to appropriate authorities. If a resident placed at the facility for the commission of any crime of violence against a person absconds, operators should make an effort to facilitate notification of the victim(s) by working with the supervising agency.

(15) Supervision of Resident Movement. In accordance with written policy and procedure, the staff will monitor movements of residents into

and out of the facility. The license holder will maintain a written procedure and a system of accounting for the whereabouts of residents at all times. There will be procedures for periodic counts of residents, sign-in and sign-out procedures, and procedures for locating and verifying the presence of residents, such as requiring them to leave a telephone number and/or location at which they may be reached when not in the facility. Staff will monitor and control the access to the facility's sign in/out log and determine the identity of all visitors.

(16) Personnel. The owner, manager and/or operator and supervisory staff must pass the criminal record check requirements. The facility will establish a personnel policy that prohibits employment of paid or unpaid supervisory persons with any of the following:

- A. A previous conviction of any violation involving sex offenses or child molestation;
- B. A current felony charge or charges pending; or
- C. Is currently under the supervision of any federal, state, or local court.

The facility will maintain documentation that each employee is informed regarding the standards of employee conduct, including but not limited to the following:

- A. No favoritism will be shown towards any group or individual residents;
- B. Professional relationships will be maintained;
- C. Employees will have no business relationship with residents;

D. No criminal conduct will be engaged in by staff; and

E. No sexual harassment will be engaged in by staff.

Training on emergency procedures will be conducted for each staff person prior to assuming shift coverage. Documentation of the training will be maintained. The facility will maintain a written policy concerning equal opportunity for all job applicants as well as a written policy to prevent conflicts of interest. The facility will maintain a current organizational chart, a current written operations manual, and will document regular staff meetings.

(17) Operations Manual. The license holder will maintain an operating manual specifying approved methods of implementing the license holder's policies and providing details for daily operations. The manual will be available to all staff and volunteers. Operations manuals are to be reviewed annually and updated as needed.

(18) Program Rules. Each resident will receive a copy of the program policy stating rules and regulations, including disciplinary procedures appropriate for staff to utilize. The policy will be read, signed, and dated by each resident upon admission to the facility.

(19) Posting of Rules. All program rules and regulations pertaining to residents will be conspicuously posted in the facility.

(20) Grievances. Written policy and procedure will provide for a grievance process for residents. A copy of the grievance policy and procedure will be posted in a conspicuous place on the premises of every licensed facility. The grievance information will also be transmitted to the party requesting, without alteration, interference, or delay. In the event of a grievance, a written

report documenting the final disposition will be prepared and filed in the resident's case record. The resident will also receive a copy of the final report.

(21) Termination of Services. Written policy and procedure concerning the removal of any resident from the program at the facility will be developed. Reasonable and prudent action will be taken on the part of the facility to ensure that a resident's dismissal does not threaten the safety of the resident or the community.

(22) Reimbursements. Written policy and procedure for the facility's reimbursement by residents will be developed. The policies will include at least the method for calculating payments, acceptable method of payment, dates or times that payments are due, and the exact services being purchased. These policies and procedures will be delivered in writing to each resident upon admission.

(23) Discipline. Written policy and procedure prohibiting the use of personal abuse and corporal punishment will be developed. All facility rules will be posted in a conspicuous place as well as included in the client handbook. Any system employed to reward resident behavior with greater freedom or privileges will be maintained in writing and provided to the resident upon intake. Any disciplinary actions available for use by staff with residents will be in writing and provided to the resident upon intake. Any disciplinary action taken will be documented in a written report filed in the resident's case record. The facility will have a written policy on the use of force.

(24) Case Management. The license holder will maintain a case record for each person residing in the facility. The record will include all significant decisions and events relating to the resident. The facility will have

written policies and procedures governing resident referral and intake, and the contents of each case file. Confidentiality of case records is essential and policies and procedures will be in place to ensure that confidentiality is maintained. The facility will develop a network of community resources and services in an attempt to fulfill each resident's basic needs.

(25) Programs. All program privileges will be written and delivered to the resident upon intake. Any revisions will be documented and forwarded to the resident prior to implementation. There will be a written policy concerning passes and curfews. In-house recreation such as television viewing, table games and exercise equipment will be made available to residents. Written policies and procedures will be in place concerning the testing of residents for substance abuse. Written policies and procedures will also address sanctions available to the facility for substance abuse infractions. A private area of the facility will be available for counseling. All residents will have access to religious services.

(26) Medical Services. Written procedures will be in place to address emergency medical needs. At a minimum, one staff person per shift will be trained in emergency first aid and cardiopulmonary resuscitation. The facility will have basic first aid supplies on site at all times. The facility will have written policies and procedures regarding the control and dispensing of residents' prescribed medication and over-the-counter drugs. The facility will have written procedures providing for prompt detection and appropriate treatment for instances of serious injury or illness, and for the prompt reporting of instances of death.

(27) Transportation. The facility will be located within one (1) mile of public transportation or other means of transportation will be available.



(28) Referral Agency Emergency Contacts. License holders will maintain a list of all referring agencies, with designated contact persons who can be notified at all times and who can assist when critical decisions are necessary relevant to residents and/or public safety .”

SECTION 2. The original of Section 20.08.110 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this 9th day of September 9, 2003.

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Carlos Mayans, Mayor

ATTEST:

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Pat Graves, City Clerk

Approved as to Form:

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Gary E. Rebenstorf